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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/892,721	06/27/2001	Shinichiro Mori	FUJS 18.776	4808
26304	7590	03/23/2005	EXAMINER	
KATTEN MUCHIN ZAVIS ROSENMAN 575 MADISON AVENUE NEW YORK, NY 10022-2585			GODDARD, BRIAN D	
			ART UNIT	PAPER NUMBER

2161

DATE MAILED: 03/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/892,721

Applicant(s)

MORI ET AL.

Examiner

Brian Goddard

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 February 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-46 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-19, 30, 31 and 33-46 is/are allowed.
- 6) ☒ Claim(s) 20-29 and 32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11 February 2005 has been entered.
2. Claims 1-46 are pending in this application. Claims 1, 4, 20, 23-25, 30-33 and 43-44 are independent claims. In the Amendment filed 11 February 2005, claims 1, 4, 20, 23-25, 30-33 and 43-44 were amended. This action is non-final.

Claim Objections

3. Claim 24 is objected to because of the following informalities: The extraneous "of" following "linked to the object" in the 28th line of claim 24 should be removed. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Claims 20-22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 20 recites the limitation "the object" in the 30th line of the claim. There is insufficient antecedent basis for this limitation in the claim.

Claims 21 and 22 depend from claim 20, and therefore inherit this deficiency.

The examiner assumes that "the object" should instead be 'the building' because claims 20-22 recite a "building" where other, similar claims recite an 'object'.

Claim Rejections - 35 USC § 102

5. Claims 23 and 32 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,336,073 to Ihara et al.

Referring to claim 23, Ihara discloses the user terminal in a system providing information to said user terminal being able to display a map as claimed. See Figures 1-16 and the corresponding portions of Ihara's specification for the details of this disclosure. Ihara teaches "a user terminal [100] in a system [Fig. 1] providing information to said user terminal being able to display a map comprising:

a map information outputting unit [107] for outputting map information installed beforehand [See 103];

a display unit [108] for displaying an image of an object [POI] on the basis of said map information outputted from said map information outputting unit [See Figs. 13-15];

a transmitting unit [109] for transmitting

(i) a mapping request [Step S302, S505 or S509] to a server [310-370] connected to said user terminal over a network [400 (See Fig. 1)], said mapping request having

(a) coordinate information [POS] in the three-dimensional space on said object [POI] displayed on said display unit [See Fig. 15], and

(b) display object attribute information [See Figs. 7, 12 & 13] representing attributes of service information to be provided by said object; and

(ii) data including an address [See Figs. 3 & 5-7], a range, an altitude of a viewpoint or an angle of the viewpoint, which is desired to be displayed on said display unit according to instructions;

a receiving unit [106] for receiving a mapping response having...[See Above, & Figs. 13-15];

a mapping unit [104] for displaying (d1) an image geometry and (d2) said map [See Figs. 13 & 15]... said mapping unit representing the object in the three-dimensional space [See item 4 in Fig. 15b]...; and

a mapping data holding unit [103]..." as claimed.

Referring to claim 32, Ihara discloses the information providing service method in a system providing information to a user terminal being able to display a map as claimed. See Figures 1-17 and the corresponding portions of Ihara's specification, as well as the discussions regarding claim 23 above for the details of this disclosure. Ihara teaches "an information providing service method [See Figs. 3-6]...comprising the steps of:

selecting an object [S201, S301 or S505]...;
transmitting... coordinate information [See transmitting unit in claim 23]...;
transmitting spatial range information [See transmitting unit in claim 23]...; and
displaying... an image geometry [See mapping unit in claim 23]..." as claimed.

Claim Rejections - 35 USC § 103

6. Claims 24-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ihara in view of U.S. Patent No. 6,487,495 to Gale et al.

Referring to claim 24, Ihara discloses the user terminal in a system providing information to a user terminal being able to display a map as claimed. See the discussion regarding claims 23 above for the details of this disclosure. Ihara's spatial range information explicitly includes latitude and longitude, as shown in Fig. 7c and discussed throughout the specification. Ihara also teaches that a third dimension is optionally included with the spatial range information as shown by reference element 370. However, Ihara is silent on the measure of the third dimension. Thus, Ihara does not explicitly teach that the spatial range information includes altitude (as claimed), but does explicitly teach that a third dimension is used.

Gale discloses a system and method very similar to that of Ihara, in which latitude and longitude are used as anchor coordinates, with an optional use of altitude as a third dimension in order to provide the ability to specify elevation or a relative altitude (e.g. number of levels above or below street level) of a desired object. See

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column 5, lines 43-64 and column 9, lines 44-59 of Gale's specification for the details of this disclosure.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement Gale's use of altitude as the optional third coordinate in Ihara's system because this would enable the user to specify elevation (or number of levels above/below street level) of the desired object. One would have been motivated to modify Ihara as such because of Ihara's silence on the measure of the optional third dimension as discussed above.

Claim 25 is rejected on the same basis as claim 24. See the discussions regarding claims 23-24 above for the details of this disclosure.

Referring to claim 26, the system of Ihara in view of Gale as applied to claim 25 above discloses the invention as claimed. In particular, Ihara v. Gale teaches the user terminal of claim 25, as above, wherein said receiving unit receives said mapping response having spatial range information including a similar bubble diameter (dispsize) having a diameter according to a scale of a map displayed on said display unit and address information [See column 17, line 31 - column 18, line 45]...as claimed.

Referring to claims 27-28, the system of Ihara in view of Gale as applied to claim 25 above discloses the invention as claimed. See Figure 2 and the corresponding portion of Ihara's specification for this disclosure. Ihara's (as modified by Gale) user terminal [100] further comprises a detecting unit [102] for detecting position information...wherein said detecting unit comprises...a satellite information receiving

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unit being able to receive satellite information through the use of a global positioning system...as claimed.

Referring to claim 29, the system of Ihara in view of Gale as applied to claim 25 above discloses the invention as claimed. See Figures 7 & 12 and the corresponding portions of Ihara's specification for this disclosure. Ihara's (as modified by Gale) transmitting unit transmits said mapping request using an electronic mail address [<address> (See Fig. 7d & 12)] generated on the basis of said coordinate information [see POS] as claimed.

Allowable Subject Matter

7. Claims 1-19, 30, 31 and 33-46 are allowed.

8. The following is a statement of reasons for the indication of allowable subject matter:

Neither Ihara nor Gale, taken alone or in combination, provide sufficient disclosure to teach or suggest the claimed bubble data able to "(i) change a size or a shape of itself, (ii) operate a generation, a disappearance and limit times of access, and (iii) detect a moving object" in combination with the remaining elements of the systems and methods for providing information to a user terminal being able to display a map as recited in each of independent claims 1, 4, 30, 31, 33 and 43-44.

None of the prior art of record, taken alone or in combination, teaches or suggests this claim feature in combination with the remaining elements of the systems and methods of independent claims 1, 4, 30, 31, 33 and 43-44.

Response to Arguments

9. Applicants' arguments filed 11 February 2005 with respect to claims 23-29 and 32 have been fully considered but they are not persuasive.

Applicants' remarks on pages 29-30 simply state that, "Claims 23-25 recite a user terminal which includes features similar to the server system of claims 1, 4 and 20."

However, claims 23-25 do not include the same distinguishing features recited in claims 1, 4 and 20, contrary to applicants' assertions. The Office maintains that Ihara anticipates each and every feature of independent claim 23, and renders obvious the limitations of claims 24-29 in view of Gale, as shown above.

Applicants' remarks do not even address independent claim 32. The Office maintains that Ihara anticipates each and every feature of independent claim 32, as shown above.

Referring finally to applicants' remarks on page 29: Applicants argued that "Ihara and Gale fail to disclose that the user terminal is able to display an information bubble which represents an image of spatial range information of the bubble data, overlapped on the map which represents the object in three-dimensional space."

The examiner disagrees for the following reasons:

Ihara clearly teaches the user terminal able to display an information bubble which represents an image of spatial range information of the bubble data, overlapped on the map which represents the object [POI] in three-dimensional space, by the showing in Figure 15(b). In particular, Fig. 15(b) shows a three-dimensional image of the POI object 'Z STORE', as well as its immediate surroundings, overlapped on the map.

Conclusion

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Goddard whose telephone number is 571-272-4020. The examiner can normally be reached on M-F, 9 AM - 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on 571-272-4023. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

bdg
18 March 2005


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